

107TH CONGRESS  
2D SESSION

# S. 2672

To provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2002

Mr. BINGAMAN (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Community-Based  
5       Forest and Public Lands Restoration Act”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are—

8               (1) to create a coordinated, consistent, commu-  
9       nity-based program to restore and maintain the eco-

1       logical integrity of degraded National Forest System  
2       and public lands watersheds;

3           (2) to ensure that restoration of degraded Na-  
4       tional Forest System and public lands recognizes  
5       variation in forest type and fire regimes, incor-  
6       porates principles of community forestry, local and  
7       traditional knowledge, and conservation biology; and,  
8       where possible, uses the least intrusive methods  
9       practicable;

10          (3) to enable the Secretaries to assist small,  
11       rural communities to increase their capacity to re-  
12       store and maintain the ecological integrity of sur-  
13       rounding National Forest System and public lands,  
14       and to use the by-products of such restoration in  
15       value-added processing;

16          (4) to require the Secretaries to monitor eco-  
17       logical, social, and economic conditions based on ex-  
18       plicit mechanisms for accountability;

19          (5) to authorize the Secretaries to expand part-  
20       nerships and to contract with non-profit organiza-  
21       tions, conservation groups, small and micro-busi-  
22       nesses, cooperatives, non-Federal conservation corps,  
23       and other parties to encourage them to provide serv-  
24       ices or products that facilitate the restoration of  
25       damaged lands; and

1           (6) to improve communication and joint prob-  
2       lem solving, consistent with Federal and State envi-  
3       ronmental laws, among individuals and groups who  
4       are interested in restoring the diversity and produc-  
5       tivity of watersheds.

6 **SEC. 3. DEFINITIONS.**

7       As used in this Act:

8           (1) The term “public lands” has the meaning  
9       given such term in section 103(e) of the Federal  
10      Land Policy and Management Act (43 U.S.C.  
11      1702(e)).

12          (2) The term “National Forest System” has the  
13      meaning given such term in section 11(a) of the  
14      Forest and Rangeland Renewable Resources Plan-  
15      ning Act (16 U.S.C. 1609(a)).

16          (3) The term “Secretaries” means the Sec-  
17      retary of Agriculture acting through the Chief of the  
18      Forest Service and the Secretary of the Interior act-  
19      ing through the Director of the Bureau of Land  
20      Management.

21          (4) The term “restore” means to incorporate  
22      historic, current, and new scientific information as it  
23      becomes available, to reintroduce, maintain, or en-  
24      hance the characteristics, functions, and ecological

1 processes of healthy, properly functioning water-  
2 sheds.

3 (5) The term “local” means within the same re-  
4 gion where an associated restoration project, or  
5 projects, are conducted.

6 (6) The term “micro-enterprise” means a non-  
7 subsidiary business or cooperative employing five or  
8 fewer people.

9 (7) The term “small enterprise” means a non-  
10 subsidiary business or cooperative employing be-  
11 tween 6 and 150 people.

12 (8) The term “value-added processing” means  
13 additional processing of a product to increase its  
14 economic value and to create additional jobs and  
15 benefits where the processing is done.

16 (9) The term “low-impact equipment” means  
17 the use of equipment for restorative, maintenance,  
18 or extraction purposes that minimizes or eliminates  
19 impacts to soils and other resources.

20 (10) The terms “rural” and “rural area” mean  
21 any area other than a city or town that has a popu-  
22 lation of greater than 50,000 inhabitants.

23 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

24 (a) REQUIREMENTS.—the Secretaries shall jointly es-  
25 tablish a National Forest System and public lands collabo-

1 rative community-based restoration program. The pur-  
2 poses of the program shall be:

3 (1) to identify projects that will restore de-  
4 graded National Forest System and public lands;  
5 and

6 (2) implement such projects in a collaborative  
7 way and in a way that builds rural community ca-  
8 pacity to restore and maintain in perpetuity the  
9 health of the National Forest System and other pub-  
10 lic lands.

11 (b) COOPERATION.—The Secretaries may enter into  
12 cooperative agreements with willing tribal governments,  
13 State and local governments, private and nonprofit entities  
14 and landowners for protection, restoration, and enhance-  
15 ment of fish and wildlife habitat, forests, and other re-  
16 sources on the National Forest System and public lands.

17 (c)(1) MONITORING.—The Secretaries shall establish  
18 a multiparty monitoring, evaluation, and accountability  
19 process in order to assess the cumulative accomplishments  
20 or adverse impacts of projects implemented under this  
21 Act. The Secretaries shall include any interested indi-  
22 vidual or organization in the monitoring and evaluation  
23 process.

24 (2) Not later than 5 years after the date of enactment  
25 of this Act, the Secretaries shall submit a report to the

1 Committee on Energy and Natural Resources of the  
2 United States Senate and the Committee on Resources of  
3 the United States House of Representatives detailing the  
4 information gathered as a result of the multiparty moni-  
5 toring and evaluation. The report shall include an assess-  
6 ment on whether, and to what extent, the projects funded  
7 pursuant to this Act are meeting the purposes of the Act.

8       (3) The Secretaries shall ensure that monitoring data  
9 is collected and compiled in a way that the general public  
10 can easily access. The Secretaries may collect the data  
11 using cooperative agreements, grants, or contracts with  
12 small or micro-enterprises, or Youth Conservation Corps  
13 work crews or related partnerships with State, local, and  
14 other non-Federal conservation corps.

15       (d) The Secretaries shall hire additional outreach spe-  
16 cialists, grants and agreements specialists, and contract  
17 specialists in order to implement this Act.

18 **SEC. 5. FOREST RESTORATION AND VALUE-ADDED CEN-**  
19 **TERS.**

20       (a) ESTABLISHMENT.—Subject to subsection (d), the  
21 Secretaries shall provide cost-share grants, cooperative  
22 agreements, or both to establish Restoration and Value-  
23 Added Centers in order to improve the implementation of  
24 collaborative, community-based restoration projects on  
25 National Forest System or public lands.

1 (b) REQUIREMENTS.—The Restoration and Value-  
 2 Added Centers shall provide technical assistance to non-  
 3 profit organizations, existing small or micro-enterprises or  
 4 individuals interested in creating a natural-resource re-  
 5 lated small or micro-enterprise in the following areas—

6 (1) restoration, and

7 (2) processing techniques for the byproducts of  
 8 restoration and value-added manufacturing.

9 (c) ADDITIONAL REQUIREMENTS.—The Restoration  
 10 and Value-Added Centers shall provide technical assist-  
 11 ance in—

12 (1) using the latest, independent peer reviewed,  
 13 scientific information and methodology to accomplish  
 14 restoration and ecosystem health objectives,

15 (2) workforce training for value-added manufac-  
 16 turing and restoration,

17 (3) marketing and business support for con-  
 18 servation-based small and micro-enterprises,

19 (4) accessing urban markets for small and  
 20 micro-enterprises located in rural communities,

21 (5) developing technology for restoration and  
 22 the use of products resulting from restoration,

23 (6) accessing funding from government and  
 24 non-government sources, and

1           (7) development of economic infrastructure in-  
2           cluding collaborative planning, proposal development,  
3           and grant writing where appropriate.

4           (d) LOCATIONS.—The Secretaries shall ensure that  
5           at least one Restoration and Value-Added Center is lo-  
6           cated within Idaho, New Mexico, Montana, northern Cali-  
7           fornia, and eastern Oregon and that every Restoration and  
8           Value-Added Center is easily accessible to rural commu-  
9           nities that are adjacent to or surrounded by National For-  
10          est System or other public lands throughout the region.

11           (1) The Secretaries may enter into partnerships  
12           and cooperative agreements with other Federal agen-  
13           cies or other organizations, including local non-profit  
14           organizations, conservation groups, or community  
15           colleges in creating and maintaining the Restoration  
16           and Value-Added Centers.

17           (2) The appropriate Regional Forester and  
18           State Bureau of Land Management Director will  
19           issue a request for proposals to create a Restoration  
20           and Value-Added Center. The Regional Forester and  
21           State Bureau of Land Management Director will se-  
22           lect a proposal with input from existing Resource  
23           and Technical Advisory Committees where appro-  
24           priate.



1           (3) The Secretary of Agriculture shall provide  
2           cost-share grants, cooperative agreements, or both  
3           equaling 75 percent of each Restoration and Value-  
4           Added Center's operating costs, including business  
5           planning, not to exceed \$1 million annually per cen-  
6           ter.

7           (4) Within 30 days of approving a grant or co-  
8           operative agreement to establish a Restoration and  
9           Value-Added Center, the Secretary shall notify the  
10          Committee on Energy and Natural Resources of the  
11          United States Senate and the Committee on Re-  
12          sources of the United States House of Representa-  
13          tives and identify the recipient of the grant award  
14          or cooperative agreement.

15          (5) After a Restoration and Value-Added Cen-  
16          ter has operated for five years, the Secretary of Ag-  
17          riculture shall assess the center's performance and  
18          begin to reduce, by 25 percent annually, the level of  
19          Federal funding for the center's operating costs.

20          (e) REPORT.—No later than five years after the date  
21          of enactment of this Act, the Secretaries shall submit a  
22          report to the Committee on Energy and Natural Re-  
23          sources of the United States Senate and the Committee  
24          on Resources of the United States House of Representa-  
25          tives, assessing the Restoration and Value-Added Centers

1 created pursuant to this section. The report shall  
2 include—

3 (1) descriptions of the organizations receiving  
4 assistance from the centers, including their geo-  
5 graphic and demographic distribution,

6 (2) a summary of the projects the technical as-  
7 sistance recipients implemented, and

8 (3) an estimate of the number of non-profit or-  
9 ganizations, small enterprises, micro-enterprises, or  
10 individuals assisted by the Restoration and Value-  
11 Added Centers.

12 **SEC. 6. COMMUNITY-BASED NATIONAL FOREST SYSTEM**  
13 **AND PUBLIC LANDS RESTORATION.**

14 (a) ESTABLISHMENT.—(1) Subject to paragraph (2)  
15 and notwithstanding Federal procurement laws, the Fed-  
16 eral Grant and Cooperative Agreements Act of 1977 (31  
17 U.S.C. 6301 et seq.), and the Competition in Contracting  
18 Act, on an annual basis, the Secretaries shall limit com-  
19 petition for special salvage timber sales, timber sale con-  
20 tracts, service contracts, construction contracts, supply  
21 contracts, emergency equipment rental agreements, archi-  
22 tectural and engineering contracts, challenge cost-share  
23 agreements, cooperative agreements, and participating  
24 agreements to ensure that the percentage of the total dol-

1 lar value identified in paragraph (2), but not to exceed  
2 50 percent in any year, is awarded to—

3 (A) natural-resource related small or micro-en-  
4 terprises;

5 (B) Youth Conservation Corps crews or related  
6 partnerships with State, local and other non-Federal  
7 conservation corps;

8 (C) any entity that will hire and train local peo-  
9 ple to complete the service or timber sale contract;

10 (D) any entity that will re-train non-local tradi-  
11 tional forest workers to complete the service or tim-  
12 ber sale contract; or

13 (E) a local entity that meets the criteria to  
14 qualify for the Historically Underutilized Business  
15 Zone Program under section 32 of the Small Busi-  
16 ness Act (15 U.S.C. 657a).

17 (2) In the first year beginning after the date of enact-  
18 ment of this Act, the Secretaries shall ensure that 10 per-  
19 cent of the total dollar value of contracts and agreements  
20 are awarded pursuant to paragraph (1). In the second  
21 year after the date of enactment of this Act, the Secre-  
22 taries shall ensure that 20 percent of the total dollar value  
23 of contracts and agreements are awarded pursuant to  
24 paragraph (1). In subsequent years, the percentage shall  
25 increase by 10 percent each year.

1 (b) NOTICE OF NATIONAL FOREST SYSTEM PLAN.—

2 At the beginning of each fiscal year, each unit of the Na-  
 3 tional Forest System shall make its advanced acquisition  
 4 plan publicly available, including publishing it in a local  
 5 newspaper for a minimum of 15 working days.

6 (c) BEST VALUE CONTRACTING.—In order to imple-  
 7 ment projects, the Secretaries may select a source for per-  
 8 formance of a contract or agreement on a best value basis  
 9 with consideration of one or more of the following:

10 (1) Understanding of the technical demands  
 11 and complexity of the work to be done.

12 (2) Ability of the offeror to meet desired eco-  
 13 logical objectives of the project and the sensitivity of  
 14 the resources being treated.

15 (3) The potential for benefit to local small and  
 16 micro-enterprises.

17 (4) The past performance and qualification by  
 18 the contractor with the type of work being done, the  
 19 application of low-impact equipment, and the ability  
 20 of the contractor or purchaser to meet desired eco-  
 21 logical conditions.

22 (5) The commitment of the contractor to train-  
 23 ing workers for high wage and high skill jobs.

24 (6) The commitment of the contractor to hiring  
 25 highly qualified workers and local residents.

1 (d) LIMITATION.—The Secretaries shall ensure that  
 2 the Forest Service and Bureau of Land Management  
 3 Memorandum of Understanding on the Small Business  
 4 Set-Aside Programs shall not be reduced below the Small  
 5 Business Administration shares prescribed in the Small  
 6 Business Set-Aside Program as a result of this Act.

7 **SEC. 7. NATIONAL FOREST SYSTEM RESEARCH AND TRAIN-**  
 8 **ING.**

9 (a) ESTABLISHMENT OF PROGRAM.—The Secretary of  
 10 Agriculture shall establish a program of applied research  
 11 using the resources of Forest Service Research Station  
 12 and the Forest Product Laboratory. The purposes of the  
 13 program shall be to—

14 (1) identify restoration methods and treatments  
 15 that minimize impacts to the land, such as through  
 16 the use of low-impact techniques and equipment;  
 17 and

18 (2) test and develop value-added products cre-  
 19 ated from the by-products of restoration.

20 (b) DISSEMINATION OF RESEARCH TO COMMU-  
 21 NITIES.—The Secretary of Agriculture shall disseminate  
 22 the applied research to rural communities, including the  
 23 Restoration and Value-Added Centers, adjacent to or sur-  
 24 rounded by National Forest System or public lands. The  
 25 Secretary of Agriculture shall annually conduct training

1 workshops and classes in such communities to ensure that  
2 residents of such communities have access to the informa-  
3 tion.

4 (c) COOPERATION.—In establishing the program re-  
5 quired pursuant to this section, the Secretary of Agri-  
6 culture may partner with nonprofit organizations or com-  
7 munity colleges.

8 (d) MONITORING.—In designing the multiparty moni-  
9 toring and evaluation process to assess the cumulative ac-  
10 complishments or adverse impacts of projects implemented  
11 under this Act pursuant to section 4, the Secretaries shall  
12 use the expertise of Forest Service Research Stations.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 These are authorized to be appropriated such sums  
15 as may be necessary to carry out this Act.

○